

McGLINCHEY STAFFORD

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Attorneys for *Defendant* **UPSTART NETWORK, INC.**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DAVID KRUEGER,

Plaintiff,

v.

TRANSUNION, LLC; UPSTART NETWORK,
INC.,

Defendants.

Case No.: 3:23-cv-02188-CRB

**STIPULATION FOR DISMISSAL OF
ACTION WITH PREJUDICE PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(1)(A)(ii)
ORDER**

[Filed concurrently with [Proposed] Order]

This *Stipulation for Dismissal of Action With Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii)* (the “Stipulation”) is entered into by and between *plaintiff* DAVID KRUEGER (“Plaintiff”), and *defendant* UPSTART NETWORK, INC. (“Upstart,” and together with Plaintiff, the “Parties”), by and through their respective attorneys of record.

I. RECITALS

A. On May 5, 2023, Plaintiff commenced this action (the “Action”) by filing a Complaint [Doc. 1] against Upstart.

B. Since the filing of the Answer, the Parties have resolved all issues raised in this Action and therefore desire to dismiss this Action pursuant to the terms of this Stipulation.

II. TERMS

The Parties stipulate as follows:

///

1 1. Plaintiff hereby voluntarily dismisses this Action *with prejudice* pursuant to Federal
2 Rule of Civil Procedure 41(a)(1)(A)(ii).

3 2. The Parties shall bear their own fees and costs, including all attorneys' fees, incurred
4 in connection with this action.

5 **IT IS SO STIPULATED.**

6 DATED: October 2, 2023

GALE, ANGELO, JOHNSON & PATRICK, P.C.

8 By: /s/ Joe Angelo (as authorized on 9-29-23)

9 JOE ANGELO

Attorneys for *Plaintiff* **DAVID KRUEGER**

11 DATED: October 2, 2023

McGLINCHEY STAFFORD

13 By: /s/ Zeeshan Iqbal

14 BRIAN A. PAINO

ZEESHAN IQBAL

Attorneys for *Defendant* **UPSTART NETWORK,
INC.**

18 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

19 I, Zeeshan Iqbal, attest that the other signatory to this *Stipulation for Dismissal of Action With*
20 *Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii)* has concurred in the filing of
21 this document.

22 **McGLINCHEY STAFFORD**

24 By: /s/ Zeeshan Iqbal

ZEESHAN IQBAL

PROOF OF SERVICE

1
2
3 **STATE OF CALIFORNIA**)
4 **COUNTY OF ORANGE**) **ss.**

5 I, Carol Rico, declare:

6 I am employed in the County of Orange, State of California. I am over the age of 18 and not a party
7 to the within action. My business address is 18201 Von Karman Ave., Suite 350, Irvine, California
8 92612.

9 On October 2, 2023, I served the document(s) described as:

- 10 (1) **STIPULATION FOR DISMISSAL OF ACTION WITH PREJUDICE PURSUANT TO**
11 **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii); and**
12 (2) **ORDER APPROVING STIPULATION FOR DISMISSAL OF ACTION WITH**
13 **PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE**
14 **41(a)(1)(A)(ii)**

15 as follows:

- 16 ☐ **BY MAIL:** As follows:
17 ☐ **FEDERAL** – I deposited such envelope in the U.S. mail at Irvine, California, with
18 postage thereon fully prepaid,
19 ☐ **BY EMAIL SERVICE as follows:** By email or electronic transmission: Based on any
20 agreement between the parties and/or as a courtesy, I sent the document(s) to the person(s) at
21 the email address(es) listed on the service list. I did not receive, within a reasonable time
22 after the transmission, any electronic message or other indication that the transmission was
23 unsuccessful.
24 ☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I caused said document(s) to be
25 served by means of this Court's Electronic transmission of the Notice of Electronic Filing
26 through the Court's transmission facilities, to the parties and/or counsel who are registered
27 CM/ECF users set forth in the service list obtained from this Court. Pursuant to Electronic
28 Filing Court Order, I hereby certify that the above documents(s) was uploaded to the website
and will be posted on the website by the close of the next business day and the webmaster
will give e-mail notification to all parties.
☒ **FEDERAL:** I declare that I am employed in the office of a member of the State Bar of this
Court at whose direction the service was made.

Executed on October 2, 2023, at Irvine, California.

Carol Rico

SERVICE LIST

USDC, Northern District Case No. 3:23-cv-02188-CRB
DAVID KRUEGER v. TRANSUNION, LLC., et al.
File # 106575.0066

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID KRUEGER,

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v.

TRANSUNION, LLC; UPSTART NETWORK,
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Case No.: 3:23-cv-02188-CRB

**ORDER APPROVING STIPULATION
FOR DISMISSAL OF ACTION WITH
PREJUDICE PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE
41(a)(1)(A)(ii)**

The Court having considered the *Stipulation for Dismissal of Action With Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii)* (the “Stipulation”) entered into by and between defendant UPSTART NETWORK, INC. and plaintiff DAVID KRUEGER (collectively, the “Parties”), and good cause appearing therefor,

IT IS ORDERED that the Stipulation is **APPROVED**.

IT IS FURTHER ORDERED that this action is hereby dismissed *with prejudice*.

IT IS FURTHER ORDERED that the Parties shall bear their own fees and costs, including all attorneys’ fees, incurred in connection with this action.

IT IS SO ORDERED.

Dated: October 3, 2023


HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE